

Application No. 09/681,354  
Amendment "A" dated January 4, 2005  
Reply to Office Action mailed November 16, 2004

### REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent interview held on December 13, 2004. The claim amendments made by this paper are consistent with the proposals discussed during the interview.

The first Office Action, mailed November 16, 2004, considered and rejected claims 1-29.<sup>1</sup> By this paper, claims 1, 13, 17 and 21 have been amended and new claims 30-39 have been added, such that claims 1-39 remain pending, and of which claims 1, 13, 17 and 21 are the independent claims at issue.<sup>2</sup>

As discussed during the interview, the claims are generally directed to a hardware card (claim 1), a corresponding television tuning device (claim 13) and corresponding methods of use (claims 17 and 21) in which the hardware card contains data that is made available to the television tuning device and that enables the television tuning device to obtain Electronic Program Guide (EPG) information from various providers. In some embodiments, the data enables the television tuning device to access EPG information from a plurality of different providers (claims 1, 30). In other embodiments, such as in claims 13, 17 and 21, the data enables the television tuning device to obtain EPG data from a provider other than the provider that the television tuning device was originally configured/hard-coded to obtain EPG data from.

<sup>1</sup> Claims 1-4, 6-9 and 11-20 were rejected under 35 U.S.C. § 102(e) as being clearly anticipated by DeVito (U.S. Patent No. 6,452,616). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over DeVito in view of Bahraini (U.S. Publication No. 2002/0116706). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over DeVito in view of Kostreski (U.S. Patent No. 5,734,589). Claims 21-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuria (U.S. Patent No. 6,405,369) in view of DeVito. Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuria in view of DeVito in further view of Forrester ("Can Sleepy Set-Top Boxes Ever be Sexy?"). Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatented over Tsuria in view of DeVito in further view of the U.S. Department of Justice (Undercover Customs Operation Results in Charges and Pleas in connection with Stolen Satellite Television). Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuria in view of DeVito in further view of Cooper (U.S. Patent No. 6,754,904). Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuria in view of DeVito in further view of Spies (U.S. Patent No. 6,055,341). Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support for the forgoing claim embodiments, as clarified by amendment and the new claims, is found throughout the specification, including, but not limited to paragraphs 4, 8, 29-33, 39-42 and 45, as presented during the interview.

Application No. 09/681,354  
Amendment "A" dated January 4, 2005  
Reply to Office Action mailed November 16, 2004


As further clarified in some of the dependent claims, the data contained on the card can also inform the user to load some of the data and to provide information (claims 31-32). The enabled switch between EPG data, which is made possible according to the present invention, can also include a switch based on EPG type, such as a type of quality (claims 17, 37).

These foregoing examples, as well as other examples provided during the interview clearly distinguish the claimed invention from the art of record, as agreed to during the interview.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that the pending application is now in condition for prompt allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 4 day of January 2005.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
JENS C. JENKINS  
Registration No. 44,803  
Attorneys for Applicant

Customer No. 47973

RDN:JCJ:cm  
WA14531\123.1\CM0000005137V001.DOC